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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**  
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13 SECURITIES AND EXCHANGE  
14 COMMISSION,

15 Plaintiff,

16 vs.  
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18 CAROL J. WAYLAND, JOHN C.  
19 MUELLER, KENTUCKY-  
20 TENNESSEE 50 WELLS/400 BBLPD  
21 BLOCK, LIMITED PARTNERSHIP,  
22 HP OPERATIONS, LLC, C.A.R.  
23 LEASING, LLC, MITCHELL B.  
24 DOW, BARRY LISS, AND STEVE G.  
25 BLASKO,

26 Defendants.  
27  
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Case No. 8:17-cv-01156-AG (DFMx)

**FINAL JUDGMENT AS TO  
HP OPERATIONS, LLC**

1 This matter came before the Court upon Plaintiff Securities and Exchange  
2 Commission's ("SEC") Motion for Summary Judgment against defendants Kentucky-  
3 Tennessee 50 Wells/400 BBLPD Block, Limited Partnership, HP Operations, LLC,  
4 C.A.R. Leasing, LLC, Carol J. Wayland, Mitchell B. Dow, Barry Liss, and Steve G.  
5 Blasko, made pursuant to Federal Rule of Civil Procedure 56. The Court having  
6 considered the memoranda and evidence filed by the parties, and all other argument  
7 and evidence presented to it, and good cause appearing therefor, granted the SEC's  
8 Motion on April 8, 2019.

9 On April 18, 2019, the SEC submitted a Supplemental Memorandum of Points  
10 and Authorities in support of its motion for permanent injunctions and civil penalties.  
11 The Court having considered the memoranda and evidence submitted by the SEC,  
12 and all other argument and evidence presented to it, and good cause appearing  
13 therefor, grants the SEC's Motion and enters this Final Judgment as to HP  
14 Operations, LLC ("Defendant").

15 I.

16 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
17 Defendant is permanently restrained and enjoined from violating, directly or  
18 indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange  
19 Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R.  
20 § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the  
21 mails, or of any facility of any national securities exchange, in connection with the  
22 purchase or sale of any security:

- 23 (a) to employ any device, scheme, or artifice to defraud;
- 24 (b) to make any untrue statement of a material fact or to omit to state a  
25 material fact necessary in order to make the statements made, in the light of the  
26 circumstances under which they were made, not misleading; or
- 27 (c) to engage in any act, practice, or course of business which operates or  
28 would operate as a fraud or deceit upon any person.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
2 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
3 binds the following who receive actual notice of this Final Judgment by personal  
4 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
5 attorneys; and (b) other persons in active concert or participation with Defendant or  
6 with anyone described in (a).

7 II.

8 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
9 Defendant is permanently restrained and enjoined from violating Section 17(a) of the  
10 Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale  
11 of any security by the use of any means or instruments of transportation or  
12 communication in interstate commerce or by use of the mails, directly or indirectly:

13 (a) to employ any device, scheme, or artifice to defraud;

14 (b) to obtain money or property by means of any untrue statement of a  
15 material fact or any omission of a material fact necessary in order to make the  
16 statements made, in light of the circumstances under which they were made,  
17 not misleading; or

18 (c) to engage in any transaction, practice, or course of business which  
19 operates or would operate as a fraud or deceit upon the purchaser.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
21 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
22 binds the following who receive actual notice of this Final Judgment by personal  
23 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
24 attorneys; and (b) other persons in active concert or participation with Defendant or  
25 with anyone described in (a).

26 III.

27 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
28 Defendant is permanently restrained and enjoined from violating Section 5 of the

1 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any  
2 applicable exemption:

- 3 (a) Unless a registration statement is in effect as to a security, making use of  
4 any means or instruments of transportation or communication in  
5 interstate commerce or of the mails to sell such security through the use  
6 or medium of any prospectus or otherwise;
- 7 (b) Unless a registration statement is in effect as to a security, carrying or  
8 causing to be carried through the mails or in interstate commerce, by any  
9 means or instruments of transportation, any such security for the purpose  
10 of sale or for delivery after sale; or
- 11 (c) Making use of any means or instruments of transportation or  
12 communication in interstate commerce or of the mails to offer to sell or  
13 offer to buy through the use or medium of any prospectus or otherwise  
14 any security, unless a registration statement has been filed with the  
15 Commission as to such security, or while the registration statement is the  
16 subject of a refusal order or stop order or (prior to the effective date of  
17 the registration statement) any public proceeding or examination under  
18 Section 8 of the Securities Act [15 U.S.C. § 77h].

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
20 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
21 binds the following who receive actual notice of this Final Judgment by personal  
22 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
23 attorneys; and (b) other persons in active concert or participation with Defendant or  
24 with anyone described in (a).


25 IV.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
27 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this  
28 Final Judgment.

V.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: May 7, 2019

  
HON. ANDREW J. GUILFORD  
UNITED STATES DISTRICT JUDGE